

Department of Environmental Management
Administrative Adjudication Division
State of Rhode Island
Re: David & Constance DeLoia
AAD NO. 04-005/FWE
Notice of Violation OC&I/C02-0042
June 24, 2005

FINAL ORDER OF DEFAULT AGAINST RESPONDENT, CONSTANCE J. DELOIA

This matter came before Hearing Officer Joseph F. Baffoni on May 9, 2005 for an Administrative Hearing. Respondent, Constance J. DeLoia, failed to appear or otherwise apprise the Hearing Officer of her inability to appear at said Administrative Hearing. Pursuant to the Notice of Administrative Hearing dated April 14, 2005, a Conditional Order of Default was issued against said Respondent, Constance J. DeLoia, affording said Respondent until and including May 16, 2005 to show good cause in writing why a Final Default Judgment should not enter. The Respondent Constance J. DeLoia sent a letter to Hearing Officer Baffoni dated May 29, 2005, which letter was received at the Administrative Adjudication Division ("AAD") on June 1, 2005. This letter was apparently in response to the Conditional Order of Default issued against her. On June 8, 2005, the Office of Compliance and Inspection ("OCI") filed its "Objection to Letter by Respondent Constance J. DeLoia and Request for Default Judgment." Oral argument on the Conditional Order of Default was scheduled on June 20, 2005 at 9:00 a.m. to afford Respondent the opportunity to be heard. Constance J. DeLoia failed to appear at oral argument or otherwise apprise the Hearing Officer of her inability to appear. The Attorney for OCI, Timothy W. Pavilonis, did appear for said oral argument and argued in support of his request that Final Default Judgment be issued against Respondent Constance J. DeLoia.

FINDINGS OF FACT

1. A Notice of Administrative Hearing was issued to the parties on April 14, 2003 providing that: "upon failure of a party to appear at the hearing, the Hearing Officer shall sua sponte issue a seven (7) day Conditional Order of Dismissal/Default."
2. The Administrative Hearing was held at the Administrative Adjudication Division ("AAD") on May 9, 2005.
3. Respondent, Constance J. DeLoia, failed to appear at the Administrative Hearing or otherwise apprise the Hearing Officer of her inability to appear.
4. A Conditional Order of Default was issued against Respondent, Constance J. DeLoia, on May 9, 2005.
5. Pursuant to the Conditional Order, Respondent, Constance J. DeLoia had until May 16, 2005 to show good cause why a final default judgment should not enter against her.

6. Constance J. DeLoia filed a response to the Conditional Order of Default on June 1, 2005.
7. The response to the Conditional Order of Default was not timely filed.
8. This matter was scheduled for oral argument before the Hearing Officer on June 20, 2005 at 9:00 a.m. on the Conditional Order of Default issued on May 5, 2005 to afford the Respondent an opportunity to be heard.
9. The Respondent, Constance J. DeLoia, failed to appear.

CONCLUSIONS OF LAW

1. Respondent Constance J. DeLoia, has failed to show good cause why a Final Order of Default should not enter.
Wherefore, it is hereby

ORDERED

1. Respondent, Constance J. DeLoia is deemed to have waived her right to an adjudicatory hearing.
2. The become a compliance order against Respondent, Constance J. DeLoia, immediately upon the entry of the Final Agency Order herein.
Entered as an Administrative Order this 24th day of June, 2005 and herewith recommended to the Director for issuance as a Final Agency Order.

Joseph F. Baffoni

Hearing Officer

Entered as a Final Agency Order this 24th day of June, 2005.

W. Michael Sullivan, Ph.D

Acting Director